

1. Pursuant to the remand under 37 CFR 41.50(a)(1) by the Board of Patent Appeals and Interferences on Nov 1, 2007 **for further consideration of a rejection**, a supplemental Examiner's Answer under 37 CFR 41.50(a)(2) is set forth below:

In response to the BPAI's remand for further consideration of a rejection under 35 U.S.C. § 112, first paragraph, for failing to describe the term "radially innermost" in the specification as originally filed, it is the Examiner's view that such language is clear and supported in the specification. As the appellant has clarified and expounded on the subject matter in greater details, the language "radially innermost" is shown and supported in Figs. 13-15 (see Exhibit A and D provided by the appellant). The Examiner's statement on page 2, second paragraph as the BPAI has indicated, does **not** in anyway suggest that the language fails to be described in the specification. On the contrary, the statement supports the appellant's position that such language is clear. Therefore, based on further consideration, it is respectfully advised that a new ground of rejection under 35 USC 112, first paragraph should not be made.

In response to the BPAI's remand to provide a reply to Appellant's response, the Examiner agrees and supports the Appellant's clarification on the claim language "radially inwardly from a radially innermost outer peripheral surface of the dial." However, it is reiterated that the Examiner does not believe such language overcomes the rejection based on 35 USC 102(b) by Higuchi. If one of ordinary skill in the art applies the same definition as the appellant's, Higuchi shows, Fig. 2, the projection 8 having the slanted portion that is connected to the dial 9 protrudes radially inwardly from a radially innermost outer peripheral surface of the dial.

The appellant must within **TWO MONTHS** from the date of the supplemental examiner's answer exercise one of the following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the rejection for which the Board has remanded the proceeding:

(1) **Reopen prosecution.** Request that prosecution be reopened before the examiner by filing a reply under 37 CFR 1.111 with or without amendment, affidavit, or other evidence. Any amendment, affidavit, or other evidence must be relevant to the issues set forth in the remand or raised in the supplemental examiner's answer. Any request that prosecution be reopened will be treated as a request to withdraw the appeal. See 37 CFR 41.50(a)(2)(i).

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37 CFR 41.41. If such a reply brief is accompanied by any amendment, affidavit or other evidence, it shall be treated as a request that prosecution be reopened under 37 CFR 41.50(a)(2)(i). See 37 CFR 41.50(a)(2)(ii).

Extensions of time under 37 CFR 1.136(a) are not applicable to the **TWO MONTH** time period set forth above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR 1.550(c) for extensions of time to reply for ex parte reexamination proceedings.